THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 16771 of 2005

DATED : 16.09.2005

Between:

Athota Balaiah S/o. Narasimhaiah
R/o.88 Thyalluru, Krosuru Mandalam,

Guntur District- 522 410 and others.

..... PETITIONERS

AND

The Branch Manager State Bank of India
Krosur Branch Krosur Mandal
Guntur District and another.

… **RESPONDENTS**

ORDER:

This writ petition is filed seeking a declaration that the action of respondents in deducting the crop insurance premium at the rates of 7.5% and 2.5% from the crop loan amount advanced to the petitioners for the Khariff and Rabby seasons 2005-2006, is arbitrary and illegal.

The grievance of the petitioners is that in the absence of any treaty between them and the respondents, the respondents are deducting the crop insurance premium from the crop loans advanced to them at the rates of 7.5% and 2.5% and they have made representations to the respondents, but in vain. Hence, this writ petition.

The first respondent filed a counter-affidavit stating that as per Section 3 of the National Agricultural Insurance Scheme, the petitioners, being loanee formers, have to compulsorily contribute to that scheme and that the said scheme was also upheld by a Division Bench of this Court in the case of Andhra Pradesh Rythu Sangham Vs. Union of India and therefore, there is no violation of legal or statutory right of the petitioners.

However, the learned counsel for the petitioners argued that the decision in the said case has no application to this case.

This matter is squarely covered by the decision of the Division Bench of this Court in the above case, wherein the scheme of National Agricultural Insurance Scheme was upheld. Therefore, a Mandamus cannot be granted directing the respondents to act contrary to the said scheme.

The writ petition is devoid of merits and the same is accordingly dismissed. No costs.

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